

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1-24 and 27-51 are pending in this application. Claims 28-51 are withdrawn from consideration. By this amendment, Claims 1, 20 and 28 are amended; and no claims are canceled or added herewith. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1-24 and 27 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,634,982 to Miki.

With respect to the rejection of the claims under 35 U.S.C. § 102, that rejection is respectfully traversed. In particular, independent Claims 1 and 20 similarly recite in part, deciding whether or not a predetermined prerequisite condition for lowering the pressure is satisfied, lowering the pressure by a preset value when the condition is satisfied, and setting the pressure to a value obtained by adding a pressure corresponding to the road surface input to a lowered minimum value of said pressure, when the slip between the transmission members is not detected in spite of lowering the pressure by a preset value, when the prerequisite condition is not satisfied during lowering the pressure.

In contrast, Miki discusses that in a continuously variable transmission, when the belt pinching pressure is high, torque transmission efficiency becomes low. While the belt pinching might be lowered, the torque transmitted in the continuously variable transmission may vary over a larger range than suitable when the vehicle encounters a rough road or when the accelerator pedal is depressed suddenly. Miki teaches that the pinching pressure is increased by a certain allowance  $m$  to prevent slippage from occurring. The hydraulic servo 135 is used to apply and change the pinching pressure for the belt 132. As shown in Fig. 1 of Miki, the torque variation estimation processing means 92 estimates whether or not the

transmission torque will tend to vary easily during travel based on the shift schedule set in the shift schedule setting processing. Then the pinching pressure change processing means 93 corrects the allowance  $m$  and changes the pinching pressure for the belt 132. That is, the pinching pressure is increased when the transmission torque tends to vary easily, and the pinching pressure is decreased when the transmission torque hardly varies.

As discussed in columns 14-15 of Miki, the correction values  $\delta 1$  to  $\delta 3$  are preset in accordance with the degree of the transmission torque variation. A gear shifting diagram can be selected based on whether the travel area is an urban road, a congested road, a suburban road, a mountain road, an uphill road, or an expressway. Therefore, the correction values  $\delta 1$  to  $\delta 3$  are set by estimating how the transmission torque will vary in the respective travel areas. Thus, according to the teachings in Miki, the pinching pressure is prevented from constantly increasing because the transmission torque variation during travel is estimated to vary the allowance  $m$ . That is, the allowance  $m$  is increased when the transmission torque tends to vary easily and the pinching pressure is thereby increased, and is decreased when the transmission torque hardly varies and the pinching pressure is thereby lowered.

Accordingly, Miki fails to disclose or suggest all the features of the claimed invention. For example, one objective of the present invention is to provide a control system for a power transmission mechanism in which a transmission torque capacity between transmission members is set on the basis of a slip condition there between. In one or more examples of the invention, the pressure is lowered by the preset value repeatedly to search the slip limit pressure. That is, when the pressure lowering control is continued, slips occur inevitably. However, as set forth in the amended claims, the pressure lowering control assumes a satisfaction of a prerequisite condition. As such, the pressure lowering control may be stopped although a slip does not occur. Please see the disclosure on pages 23-24 in the present specification. The claimed features are not taught or suggested by the applied art.

Further, it is respectfully submitted that the applied art does not teach or suggest, nor does the outstanding Office Action direct Applicants attention to such a teaching, the claim features for the pressure lowering means as set forth in the dependent claims. For example, Claim 2 recites that the pressure lowering means includes means for lowering a pressure command value stepwise and keeping the pressure command value constant for a preset time period and for outputting a command signal to raise said pressure command value after lapse of the preset time period. Additionally, Claim 3 recites that the pressure lowering means includes means for lowering the pressure stepwise and then steplessly to a preset value. Again, these features are not taught or suggested in the applied art, nor does the outstanding Office Action cite to teaching in Miki for these features.

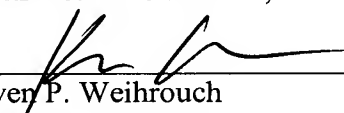
Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 102 is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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